

**§ 164.01 Applicability.**

(a) This part (except as specifically limited herein) applies to each self-propelled vessel of 1600 or more gross tons (except foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of § 164.72 if it is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or

(4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from § 164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

[CGD 83–004, 49 FR 43466, Oct. 29, 1984, as amended by CGD 94–020, 61 FR 35072, July 3, 1996]

**§ 164.02 Applicability exception for foreign vessels.**

(a) This part (including §§ 164.38 and 164.39) does not apply to vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77–063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79–148, 45 FR 54039, Aug. 14, 1980]

**§ 164.03 Incorporation by reference.**

(a) Certain material is incorporated by reference into this part with the ap-

proval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the Office of Vessel Traffic Management (G–MOV), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

<i>American Petroleum Institute (API)</i> , 1220 L Street NW., Washington, DC 20005	
API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984 .....	164.74
<i>American Society for Testing and Materials (ASTM)</i> , 1916 Race Street, Philadelphia, PA 19103	
ASTM D4268–93, Standard Test Method for Testing Fiber Ropes .....	164.74
<i>Cordage Institute</i> , 350 Lincoln Street, Hingham, MA 02043	
CIA–3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 .....	164.74
<i>International Maritime Organization (IMO)</i> , 4 Albert Embankment, London SE1 7SR, U.K.	
IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975 .....	164.13
<i>International Telecommunication Union Radiocommunication Bureau (ITU–R)</i> , Place de Nations CH–1211 Geneva 20 Switzerland	
(1) ITU–R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992 .....	164.43
(2) ITU–R Recommendation M.825, Characteristics of a Transponder System Using Digital Selective-Calling Techniques for Use with Vessel Traffic Services and Ship-to-Ship Identification, 1992 .....	164.43